

REMARKS

Claims 1-22 are pending in the application. Claims 1-22 are subject to a restriction and/or election requirement. Applicants respectfully request reconsideration in view of the following remarks.

I. ELECTION

The Office stated that under PCT Rule 13.1, the Applicant is required to elect a single invention to which the claims must be restricted. The Office restricted the claims into groups, as follows: Group I, Claims 1-10 and 15-19; Group II, Claims 11-14; and Group III, Claims 20-22. An election with traverse is made to prosecute Group I, Claims 1-10 and 15-19. Group III is withdrawn from further consideration. Applicants reserve the right to file a divisional application directed to the non-elected claims.

In order to establish a *prima facie* case for restriction, related inventions require a showing of distinctiveness and reasons for restriction. MPEP § 805.05(c). Where the related inventions as claimed are shown to be distinct under criteria of MPEP § 806.05(c) - § 806.05(i), the Examiner, in order to establish reasons for insisting upon restriction, must show by appropriate explanation one of the following: (a) separate classification; (b) separate status in the art when they are classified together; or (c) a different field of search. MPEP § 808.02.

In this Application, Groups I and II are classified by the Examiner in the *same* class, class 606/144. This identical classification fails to suggest that each Group has attained recognition in the art as a separate subject for inventive effort and also a separate field of search.

Additionally, there is no indication that it is necessary to search for one of the Groups in places where no pertinent art to the other Groups exists. There is also no clear indication of separate future classification and field of search of Groups I and II. Applicant respectfully submits that a search directed to these claims could be made without serious burden.

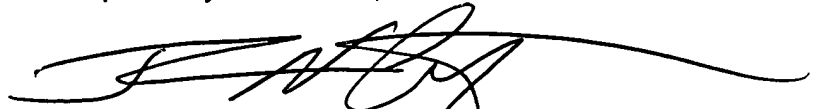
As the Office contends, the claims of Groups I and II have in common certain elements, namely, a guide line component and at least one suture. The remaining disparate elements, however, further define the invention. For instance, Group I contains Claims 1-10 and 15-19. In Claims 1-10, Claim 1 is the independent claim directed to a surgical guide line assembly comprising a guide line component and at least one suture; Claims 2-10 depend from Claim 1. In Claims 15-19, also in Group I, Claim 15 is the independent claim directed to a surgical guide line assembly comprising *a guide line component, at least one suture*, and a broad line assembly. Claim 15 like Claim 1 recites the essential elements relating to patentability. The Group II claims, Claims 11-14, like the Group I claims, recite the essential elements relating to patentability. In Claims 11-14, Claim 11 is the independent claim directed to a surgical guide line component comprising *a guide line component, at least one suture*, a control assembly, and a surgical needle. Independent claims 11 and 15 further define an embodiment of the invention, namely, a surgical guideline assembly. Thus, Groups I and II are all directed to a surgical guide line assembly and should be grouped together. Applicant requests the withdrawal of the restriction/election requirement with regard to Groups I and II.

II. CONCLUSION

In view of the foregoing remarks, Applicant respectfully requests that the Examiner withdraw the restriction requirement with regard to Groups I and II. In the event the restriction/election requirement is maintained, Applicant elects to prosecute Group I, Claims 1-10 and 15-19, with traverse. Should the Examiner believe anything further is desirable to place the application in better condition for allowance, the Examiner is invited to contact Applicants undersigned representative at the telephone number listed below. If an additional fee is required, the Commissioner is authorized to charge any deficiency or credit any overpayment to deposit account number 03-2469. Moreover, if the deposit account contains insufficient funds, the Commission is hereby invited to contact Applicants' undersigned representative to arrange payment.

Respectfully Submitted,

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